

PATENTS
25040-0918
CUSTOMER NO. 29052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Victor J. Ortega and Pedro Lacasta Egea)	Group Art Unit: 3746
)	
Serial No. 10/628,848)	
)	Examiner: Belt, S.E.
Filed: July 28, 2003)	
)	
For: Quick Loading Peristaltic Pump)	

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1405
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action mailed on September 8, 2006, the Applicant has the following remarks:

REMARKS

The present application has 24 claims with Claims 1, 18, and 21 being independent claims. Claims 1-17 are allowed. Claims 18-24 are rejected.

Claims 18-22 were rejected under 34 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,041,709 to Wells, et al. in view of U.S. Patent No. 4,549,860 to Yakich. Wells was described as showing a roller assembly with a number of roller mounting locations (108) such that the number of rollers may be modified. The roller assembly was said to include a number of replaceable rollers.

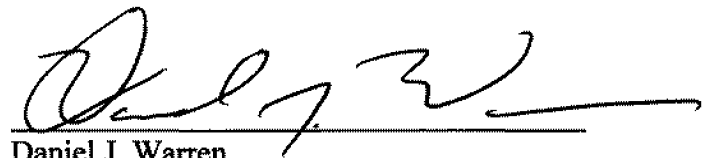
The Applicant respectfully traverses the rejection. Both independent Claim 18 and 21 recite “selecting a first number of rollers for the roller assembly based upon the first predetermined type of fluid.” As previously pointed out, the rollers of Wells clearly are not intended to be removed and/or varied in number. The Applicant, however, notes the Examiner’s comments that the structure of the reference is capable of performing the method steps. As such, although the rollers of Wells may be capable of being varied in number (even though there is clearly no teaching of such), there is absolutely no discussion in Wells of selecting a number of rollers *based* upon a predetermined type of fluid. Specifically, a reference needs to show both replaceability (which Wells may or may not have) and also *basing* that replaceability on a particular type of fluid. Wells simply does not have such a teaching. Without such, the Applicant respectfully submits that Claims 18 and 21, and the dependent claims thereon, are clearly patentable over the cited references.

Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells, et al. in view of Yakich and in further view of U.S. Patent No. 6,419,466 to Lowe, et al. The Applicant respectfully traverses the rejection for the reasons described above.

CONCLUSION

The Applicant believes it has addressed each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions can be directed to the undersigned at (404) 853-8028.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Warren', is written over a horizontal line.

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